

REMARKS / DISCUSSION OF ISSUES

Claims 14-33 are pending in the application.

The Office action rejects claims 14, 18-23, 27-28, and 31-33 under 35 U.S.C. 103(a) over Rayner (USP 5,519,828) and Barrus (USP 7,225,405). The applicant respectfully traverses this rejection.

The combination of Rayner and Barrus fails to disclose marking a part of a representation extending from a first user-selected position to the end of the representation, and fails to disclose unmarking the part of the representation extending from a second user-selected position in a marked part of the representation to the end of the representation, as claimed in each of the applicant's independent claims 14 and 23.

The Office action asserts that Rayner teaches marking a part of a representation extending from a first user-selected position to the end of the representation at FIG. 7A element 27. The applicant respectfully disagrees with this assertion.

Rayner teaches allowing a user to enter marks on a visual representation, but does not teach that the marking extends beyond the entered mark. That is, Rayner's marks are an identification of a particular point in time, and not a marking of a duration of time extending between marks. Rayner's marks are used to align one representation to another, or to facilitate positioning the playback head directly to points of interest in the representation.

Rayner's element 27 in FIG. 7A, cited in the Office action is a single mark at a particular point in the visual representation, and is not a marking of a part of the representation that extends from the first user-selected point to either the end of the representation or to a second user-selected point, as claimed. Rayner does not teach that the part of the representation immediately to the right of element 27 is 'marked', per se.

In Rayner, there is no difference between the part of the representation to the left of element 27 (toward the start of the representation) and the part of the representation to the right of the element 27 (toward the end of the representation); whereas, in accordance to the applicant's claimed invention, the part of the representation to the left of the user's first selected position is unmarked, and the part of the representation to the right of the user's first selected position is marked.

Further, the Office action acknowledges that Rayner does not teach unmarking a marked part of the representation from a second user-selected position to the end of the representation, and asserts that Barrus provides this teaching. The applicants respectfully disagree with this assertion.

Barrus teaches the independent creation of individual elements/parts of a presentation; that is, the creation/marketing of one element is independent from the creation/marketing of another element. As such, Barrus cannot be said to teach "unmarking" a marked part of the representation, as asserted in the Office action. The Office action asserts that Barrus teaches unmarking a marked part of the representation at column 11, lines 12-25; at this cited text, Barrus teaches:

"The interface includes a positional stimulus point 410 corresponding to a selection operator. If the positional stimulus point 410 is engaged, the system enters a mode whereby audio elements 200 can be selected by touching or clicking the positional stimulus point corresponding to the audio element 200. Additionally, the selection operator can be applied to designated points or temporal ranges within an audio element by touching, clicking, or dragging across a section of a waveform corresponding to the desired point or temporal range. After a visual representation has been selected, when positional stimulus points relating to particular functions are engaged, the desired function will be applied to the designated visual representation." (Barrus column 11, lines 11-25.)

Of particular note, nowhere in this cited text does Barrus teach "unmarking" previously marked parts of the representation. The creation of each element in Barrus starts with an unmarked presentation, and the user identifies a portion of the presentation to select/mark by "touching, clicking, or dragging across a segment of the waveform". Barrus does not teach unmarking a previously marked segment, as asserted in the Office action.

Because the combination of Rayner and Barrus fails to disclose marking a part of a representation extending from a first user-selected position to the end of the representation, and fails to disclose unmarking the part of the representation extending from a second user-selected position in a marked part of the representation to the end of the representation, the applicant respectfully maintains that the rejection of claims 14, 18-23, 27-28, and 31-33 under 35 U.S.C. 103(a) over Rayner and Barrus is unfounded, and should be withdrawn.

The Office action rejects claims 15-18, 24-26, and 29-30 under 35 U.S.C. 103(a) over Rayner, Barrus, and Meek (USP 5,933,145). The applicant respectfully traverses this rejection.

Each of the rejected claims is dependent upon independent claim 14 or 23, and in this rejection, the Office action relies on Rayner and Barrus for teaching the elements of claims 14 and 23. As noted above, the combination of Rayner and Barrus fails to disclose the elements of claims 14 and 23. Accordingly, the applicant respectfully maintains that the rejection of claims 15-18, 24-26, and 29-30 under 35 U.S.C. 103(a) that relies on Rayner and Barrus for teaching the elements of claims 14 and 23 is unfounded, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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